

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
FLINT DIVISION**

IN RE:

Kevin Martens & Jennifer Martens
Debtors.

Bankruptcy No.09-31163-dof
Honorable Daniel Opperman
Chapter 13

_____ /

CHAPTER 13 PLAN MODIFICATION

DEBTORS, by and through their Attorney, state the following in support of this plan modification;

1. Debtors are in a Chapter 13 plan that was confirmed on May 13, 2009.
2. Debtors' plan as confirmed runs 60 months and pays a dividend of 6% to the unsecured creditors.
3. For tax year 2009 the Debtors are to receive a federal tax refund of \$7161.00 and the confirmed plan requires turnover of said refund.
4. At the time of filing, the Debtors' combined projected income from schedule I was \$101,257.99. Due to continued unemployment, the Debtors' income from wage and unemployment was \$78,687.00---a \$22570.99 short fall. The Debtors have "tightened their belts" to continue to meet their plan payment obligations but this has left them short of many needed budgeted expenses.
5. The Debtors have a number of needed repairs including:
 - a. Replacement of old water heater \$1191.00
 - b. Vehicle repairs-needed engine and transmission \$6632.76
6. The Debtors propose to amend their confirmed Chapter 13 plan by retaining the 09 federal tax refund in the amount of \$7161.00 to pay for the needed repairs/items and to help replace the projected income shortfall. The Debtors propose to further modify the confirmed plan by excusing the accrued plan payment delinquency of \$1532.76. As is the plan will pay a higher than confirmed dividend to unsecured creditors. (See Exhibit A for worksheet)

7. The effect of this plan modification on creditors will be as follows:

- Class One-** No effect.
- Class Two-** Creditors will continue to received payments.
- Class Three-** No creditors of this class are in this case.
- Class Four-** Creditor will be paid in full.
- Class Five-** Creditor will be paid according the plan as originally confirmed.
- Class Six-** No creditors of this class are in this case.
- Class Seven-** No creditors of this class are in this case.
- Class Eight-** **Creditors in this class will receive a greater dividend than confirmed but less than if turnover of the refund was required.**

WHEREFORE, it is requested that Debtors confirmed plan be modified to excuse turnover of the 09 federal tax refund in the amount of \$7161.00 and that the accrued plan payment delinquency of \$1532.76 is excused.

Dated: March 23, 2010

/S/Tricia Stewart Terry
TRICIA STEWART TERRY (P59522)
Marrs & Terry, PLLC
6553 Jackson Rd
Ann Arbor, MI 48103
734-663-0555
TTerry3272@aol.com

EXHIBIT A

WORKSHEET-PLAN MODIFICATION

1. Length of Plan is _____ weeks; 50 months; _____ years.

Debtor #1:

2. \$ 1178.13 per pay period x ^(Bi weekly)
108 pay periods per Plan = \$ 127238.04 total per Plan

\$ _____

3. \$ _____

4. Lump Sums: Balance on hand 1194.63

5. Equals total to be paid into the Plan 128432.67

6. Estimated trustee's fees 6806.94

7. Attorney fees and costs-
Plus estimated future 2000.00

8. Total priority claims 0.00

9. Total installment mortgage or
other long-term debt payments 73046.50

10. Total of arrearage
including interest 18802.84

11. Total secured claims,
including interest 15914.00

Total of items 6 through 11 \$ 116570.28

12. Funds available for unsecured creditors () \$ 11862.39

13. Total unsecured claims remaining \$ 115309.94

14. Estimated percentage to unsecured creditors under Plan 10.29 %

15. Estimated dividend to general unsecured creditors if
Chapter 7, (see liquidation analysis attached) \$ 0.00

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

IN RE:

Kevin Martens & Jennifer Martens
Debtors.

Bankruptcy No.09-31163-dof
Honorable Daniel Opperman
Chapter 13

Notice of Deadline to Object to Proposed Chapter 13 Plan Modification

The deadline to file an objection to the attached proposed chapter 13 plan modification is 21 days after service.

If no timely objection is filed, the proponent of the plan modification may file a certificate of no objection and the modified plan will then become effective.

If a timely objection is filed, the Court will set the matter for hearing and give notice of the hearing to the debtor, the proponent of the plan modification, the trustee and any objecting parties. In that event, the plan modification will become effective when the Court enters an order overruling or resolving all objections.

Objections to the attached proposed chapter 13 plan modification shall be served on the following:

Tricia Stewart Terry
Marrs & Terry, PLLC
6553 Jackson Rd
Ann Arbor, MI 48103

Carl Bekofske
510 W . Court St
Flint MI 48503

If you or your attorney does not take these steps, the court may decide that you do not oppose the relief sought in the application and may enter an order granting that relief.

Dated: March 23, 2010

/s/Tricia Stewart Terry_____
TRICIA STEWART TERRY (P59522)
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**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN**

IN RE:

Kevin Martens & Jennifer Martens
Debtors.

_____ /

Bankruptcy No.09-31163-dof
Honorable Daniel Opperman
Chapter 13

ORDER MODIFYING CONFIRMED PLAN

This matter having come before the Court upon the application of Tricia Stewart Terry, of Marrs & Terry, PLLC, and all interested parties having been served with notice of the modification, no objections to the modification having been received and a certification of no response having been filed, and the Court being otherwise fully advised in the premises;

IT IS HEREBY ORDERED that the Debtors confirmed plan is modified excuse turnover of the 2009 federal tax refund in the amount of \$7161.00;

IT IS FURTHER ORDERED that the accrued plan payment delinquency of \$1532.76 is excused.